

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herein.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1 and 3-21 are currently pending. Claim 2 is hereby canceled, without prejudice or disclaimer of subject matter. Claims 1, 3-5, 20 and 21, which are independent, are hereby amended.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1 and 3-21 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,636,243 to MacPhail (hereinafter, merely “MacPhail”) in view of Microsoft PowerPoint Screen Capture (hereinafter, merely “PowerPoint”).

Claim 2 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over MacPhail in view of PowerPoint and further in view of U.S. Patent No. 6,118,427 to Buxton et al. (hereinafter, merely “Buxton”).

MacPhail relates to **displaying status of critical indicators or variables as icons** in superposition with a reference shape. The reference shape is divided into “higher-interest” and “lower-interest” portions, such that display of an icon over the higher-interest portion of the reference shape indicates a higher-interest value of the corresponding variable. (Emphasis added)

PowerPoint relates to a slide sorter view, which allows the user to set timing options for rehearsing a presentation. The set timing determines the speed at which the slideshow progresses from one slide to the next.

Buxton relates to a graphical user interface that utilizes variable transparency to merge images (or layers) of objects onto a graphical display.

Applicants respectfully traverse the rejection because the applied combination does not disclose all of the claimed features, MacPhail teaches away from the combination, and the combination lacks motivation and instead relies on impermissible hindsight.

A. The combination does not disclose all of the claimed features

Claim 1 recites, *inter alia*:

... determination means for determining whether or not a predetermined time has passed **with respect to a selection of said one or more thumbnails**; and

second display control means for controlling, **if said predetermined time is found to have passed with respect to said selection of said one or more thumbnails, the display of additional attribute information associated with said one or more thumbnails** at a predetermined position corresponding to the display position of said one or more thumbnails,

...

wherein the predetermined time determines the amount of time elapsed between the selection of said one or more thumbnails and the display of the additional attribute information ... (Emphasis added).

Applicants respectfully submit that MacPhail, PowerPoint, and Buxton, taken alone or in combination, fail to teach or disclose the above-identified features of claim 1. Specifically, the applied combination does not teach or suggest “determining

whether or not a predetermined time has passed with respect to a selection of said one or more thumbnails,” and “controlling the display of additional attribute information associated with said one or more thumbnails” based on the determination, as recited in claim 1.

The Office Action relies on column 3, lines 62-66 and column 9, lines 50-54 for a teaching of the determination means. However, MacPhail teaches in column 2, lines 62-66 that:

“For example, the icon may be made to blink, or to move back and forth. **Such a change in appearance is typically implemented for a predetermined period of time following change of status**, where the time period may be set by an application developer and/or a user.” (Emphasis added)

Clearly, MacPhail’s determination means are distinguished from the determination means of claim 1. MacPhail’s determination means determines a period of time following change of status of the critical indicators or variables being monitored. In contrast, the determination means of claim 1 determines a period of time following a selection of the thumbnail by a user.

Therefore, claim 1 is patentable because the applied combination fails to teach or suggest the above-identified features of claim 1.

B. MacPhail teaches away from the combination

Applicants respectfully note that the Office Action states that:

“MacPhail does not clearly teach that the icons are thumbnails. It would have been obvious to implement teachings of thumbnails in the MacPhail’s system to perform [in] similar functionality as any icon of MacPhail

to improve visibility to ease the user when determining the content of the objects/icons displayed on a GUI.”

Applicants respectfully disagree. MacPhail teaches the use of icons for monitoring critical indicators and variables. This clearly teaches away from claim 1, in which thumbnails are used to represent file contents. It would go against the teachings of MacPhail to utilize thumbnails in place of icons, since MacPhail specifically teaches icons representing critical indicators and **not** thumbnails representing file contents (see, for example, column 1, lines 51-67 and column 2, lines 59-67).

Since MacPhail clearly teaches away from the use of thumbnails in place of icons, it is improper to combine the teachings of MacPhail with the use of thumbnails, as taught in, for example, U.S. Patent No. 6,466,237 to Miyao (hereinafter, merely “Miyao”). [See MPEP §2145(X)(D) and §2141.02(VI) for a discussion of the requirement to consider prior art as a whole, including disclosures that teach away.]

C. The combination lacks motivation and relies on impermissible hindsight

Applicants respectfully submit that there is no motivation in MacPhail to replace the icons with thumbnails. Therefore, there is no motivation to combine MacPhail with thumbnails representing file contents as taught in, for example, Miyao. Further, there is no motivation to combine MacPhail with PowerPoint to teach the “speed of selection” feature of claim 1. And finally, there is no motivation to combine MacPhail with Boxton to teach the display of semi-transparent thumbnails.

Applicants respectfully submit that the Office Action has relied on impermissible hindsight in order to combine the prior art references since there is no motivation in the references themselves to do so. The Office Action has used the present

application as a blue-print to create a mosaic of features from the prior art, which is impermissible in a §103 rejection. [See MPEP §2145(X)(A-C) for a discussion of the motivation requirement and impermissible hindsight.]

D. Rejections Should be Withdrawn

Applicants respectfully submit that MacPhail, PowerPoint, and Buxton, taken alone or in combination, do not teach or suggest the above-identified features of claim 1. Applicants respectfully submit that Miyao does not teach or suggest the disclosure missing from the applied combination. Additionally, MacPhail teaches away from the combination, and the combination lacks motivation and instead relies on impermissible hindsight. Therefore, Applicants respectfully submit that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 3-5, 20 and 21 are also patentable.

Therefore, Applicants respectfully submit that independent claims 1, 3-5, 20 and 21 are patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

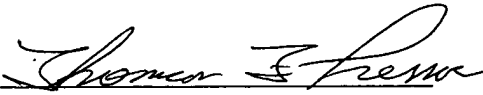
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are in condition for allowance and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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